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In re Application of: _____

Application No.: _____

Filing Date: _____

Title: _____

Direct to:

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE UNDER 37 CFR 1.251 – Pending Application

Statement (check the appropriate box):

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Date

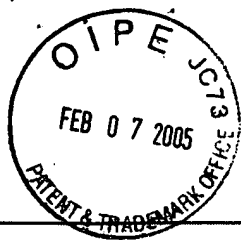
Signature

Typed or printed name

A Copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

NOTICE UNDER 37 CFR 1.251 - Pending Application

☐ The file of the above-identified application cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Change in Power of Attorney, Oath or Declaration, and IDS filed on 09-14-2004.

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

Alternatively, applicant may reply to this notice by producing applicant's record (if any) of all of the correspondence between the Office and the applicant for the above-identified application for the Office to copy (except for U.S. patent documents), and provide a statement that the papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), whether applicant is aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records. Such records must be brought to the Customer Service Center in the Office of Initial Patent Examination (Crystal Plaza 2, 2011 South Clark Place, Arlington, VA 22202).

If applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

Mail Stop: MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

James Murphy

(703) 305-6890



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*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

February 7, 2005

WRITER'S DIRECT NUMBER:
(202) 772-8525

INTERNET ADDRESS:
BRIAND@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop: Missing Parts

Re: U.S. Utility Patent Application
Appl. No. 10/792,035; Filed: March 4, 2004
For: **Methods and Compositions for Synthesis of Nucleic Acid Molecules
Using Multiple Recognition Sites**
Inventors: CHESNUT *et al.*
Our Ref: 0942.5340005/BJD/JKM

Sir:

In reply to the "Notice Under 37 C.F.R. § 1.251 - Pending Application" dated December 17, 2004, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Reply to Notice Under 37 C.F.R. § 1.251;
2. Copy of the Notice Under 37 C.F.R. § 1.251;
3. PTO date stamped postcard dated September 14, 2004, evidencing the original submission of documents 4 and 5 listed below;
4. Courtesy copy of original executed Power of Attorney from Assignee;
5. Courtesy copy of Statement Under 37 C.F.R. § 3.73(b) with a copy of the Assignment and Notice of Recordation attached;
6. Courtesy copy of Ten (10) original Declarations, executed by the inventors (40 pages), originally submitted on August 16, 2004; and
7. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Commissioner for Patents
February 7, 2005
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

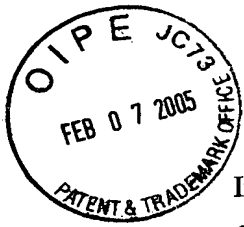
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", written over a horizontal line.

Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

BJD/JKM:bac
Enclosures

354107_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHESNUT *et. al.*

Application No.: 10/792,035

Filed: March 4, 2004

For: **Methods and Compositions for
Synthesis of Nucleic Acid Molecules
Using Multiple Recognition Sites**

Confirmation No.: 1259

Art Unit: 1645

Examiner: *To Be Assigned*

Atty. Docket: 0942.5340005/BJD/JKM

Reply to Notice Under 37 C.F.R. § 1.251

Mail Stop: Missing Parts

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Notice Under 37 C.F.R. § 1.251, dated December 17, 2004,

Applicants submit copies of the following documents:

1. PTO date stamped postcard dated September 14, 2004, evidencing the original submission of documents 2 and 3 below;
2. Power of Attorney from Assignee;
3. Statement Under 37 C.F.R. § 3.73(b) with a copy of the Assignment and Notice of Recordation attached; and
4. Ten (10) original Declarations, executed by the inventors (40 pages), originally submitted on August 14, 2004.

Applicants respectfully submit that, as evidenced from the PTO date stamped postcard, an Information Disclosure Statement was not filed on behalf of Applicants on September 14, 2004. Applicants further submit that, to date, no Information Disclosure Statement has been filed in the present application.

In order to comply with the Notice Under 37 C.F.R. § 1.251, Applicants have provided copies of the Ten (10) original Declarations, executed by the inventors. Applicants respectfully submit that the Declarations were originally filed on August 14, 2004, and not with the submission on September 14, 2004, as indicated in the Notice.

Applicants undersigned representative hereby states that the copy of the above-mentioned papers is a complete and accurate copy of Applicants' record of correspondence between the U.S. Patent Office and Applicants on September 14, 2004.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", written over a horizontal line.

Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Date: February 7, 2005

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Applicants: CHESNUT *et al.*

Application No.: 10/792,035

Filed: March 4, 2004

For: **Methods and Compositions for Synthesis of
Nucleic Acid Molecules Using Multiple
Recognition Sites**

Due Date: NONE

Art Unit: 1645

Confirmation No.: 1259

Examiner: *To Be Assigned*

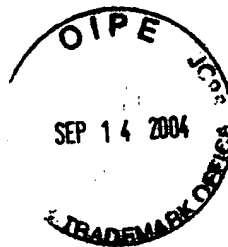
Docket: 0942.5340005

Atty: BJD/JKM



When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. SKGF Cover Letter;
2. Original executed Power of Attorney from Assignee;
3. Statement Under 37 C.F.R. § 3.73(b) with a copy of the Assignment and Notice of Recordation attached; and
4. One (1) return postcard.



Please Date Stamp and Return to Our Courier